

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE AMENDING SECTIONS 8CC-2, 8CC-3, 8CC-4, 8CC-5 AND 8CC-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXTENDING THE TERM OF HEARING OFFICERS TO TWO YEARS; CREATING A RIGHT TO APPEAL THE IMPOSITION OF CONTINUING PENALTIES AND SETTING THE PROCEDURE THEREFOR; PROVIDING FOR CODE ENFORCEMENT OFFICER TO RECORD THE CIVIL VIOLATION NOTICE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Team Metro

I. SUMMARY

This proposed resolution amends Chapter 8CC of the Codes of Miami-Dade County regarding Code Enforcement Officers, Civil Violation Notices, and Hearing Officers.

II. PRESENT SITUATION

Presently, a code inspector may place a lien on a property for up to 20 times the amount of the original violation if the infraction is not corrected in the time proscribed in the citation.

The violator has the right to appeal the citation and associated fine.

There is currently no mechanism to appeal the fines for existing violations that may be imposed if the infraction is not corrected while the violator appeals the initial citation.

On February 7, 2003, the Florida District Court of Appeals (DCA) District 2 opined (Massey v. Charlotte County) that a civil violation system similar to the one utilized by Miami-Dade County failed to provide a violator with due process by assessing fines for continued violations prior to an appeals hearing, if the violator chooses to appeal the initial citation.

Terms for Hearing Officers

Hearing officers currently serve one year terms.

III. POLICY CHANGE AND IMPLICATION

This ordinance would provide due process with reference to the continuing violation fines to the violator.

This amendment to the code would allow the enforcement officers to record a Civil Violation Notice.

BCC ITEM 4(A)
December 7, 2004

This process will act as a public notice of said violation. The Department hopes that this act would reduce the occurrences of new property purchasers inheriting violations received by the previous owners.

Further this ordinance would extend the terms of hearing officers from one to two year terms. The Department hopes this will help to relieve the burden posed by annual terms. Under the current process, once a hearing officer is appointed, the Department must begin the process of advertising and seeking a replacement almost immediately.

IV. ECONOMIC IMPACT

There is no direct fiscal impact associated with the County regarding these changes.

V. COMMENTS AND QUESTIONS

Although this amendment creates a separate appeals process for the continuing violation fines on top of an appeal for the cause of the initial citation, if the violator wins the appeal of violation, the continued fee violation appeal becomes unnecessary and is canceled.

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RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION IN APPLYING FOR FEDERAL FUNDS FROM THE DEPARTMENT OF JUSTICE, OFFICE OF VICTIMS OF CRIME, FY 2004 BJA LAW ENFORCEMENT RESPONSE TO HUMAN TRAFFICKING GRANT TO SUPPORT THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE AND AMEND SUCH CONTRACTS AND AGREEMENTS AS REQUIRED; TO RECEIVE AND EXPEND SAID FUNDS; TO RECEIVE AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND TO FILE AND EXECUTE ANY NECESSARY AMENDMENTS TO THE APPLICATION

Miami-Dade Police Department

I. SUMMARY

This resolution would approve the application for and acceptance of a grant from the United States Department of Justice. This grant is designed to help in training of local police agencies in dealing with the crime of Human Trafficking.

II. PRESENT SITUATION

The Miami-Dade Police Department currently enforces these crimes as they occur.

III. POLICY CHANGE AND IMPLICATION

This grant would help to establish a primary training facility at the MDPD training bureau for the specific purpose of investigating and prosecuting those persons involved in human trafficking.

IV. ECONOMIC IMPACT

This grant would provide \$596,580 in Federal Funds along with a County Match from MDPD of \$198,964 for a total program cost of \$795,544.

V. COMMENTS AND QUESTIONS

Although not specific to this grant program, the County must be careful when utilizing Federal of State Grants for personnel costs.

If the program is deemed to be successful and the County wishes to continue the program, when the Federal Grant ends, the County must find an additional funding source for the recurring personnel costs that were previously covered by Federal Monies.